

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WILUS INSTITUTE OF STANDARDS
AND TECHNOLOGY INC.,

Plaintiff,

v.

HP INC., et al.,

Defendants.

Civil Action No. 2:24-cv-0752-JRG-RSP

LEAD CASE

JURY DEMANDED

THIRD AMENDED SCHEDULING ORDER

In accordance with the Joint Motion, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Current Deadline	Amended Deadline	Event
June 1, 2026		*Jury Selection – 9:00 a.m. in Marshall, Texas
7 days before Jury Selection		*Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses. ¹
10 days before Jury Selection		*Plaintiff to disclose final election of Asserted Claims. ²
May 4, 2026		* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date. ³
April 29, 2026		*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Roy Payne
April 20, 2026		*Notify Court of Agreements Reached During Meet and Confer

¹ The proposed DCO shall include this specific deadline. The deadline shall read, “7 days before Jury Selection,” and shall not include a specific date.

² Given the Court’s past experiences with litigants dropping claims and defenses during or on the eve of trial, the Court is of the opinion that these additional deadlines are necessary. The proposed DCO shall include this specific deadline. The deadline shall read, “10 days before Jury Selection,” and shall not include a specific date.

³ The Parties are referred to the Court’s Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

		The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
April 20, 2026		*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
April 13, 2026		*File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
April 6, 2026		File Motions <i>in Limine</i> The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
April 6, 2026		Serve Objections to Rebuttal Pretrial Disclosures
March 30, 2026		Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
March 16, 2026		Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
March 9, 2026		*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i>

		Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. ⁴ Motions for Summary Judgment shall comply with Local Rule CV-56.
February 23, 2026		<p>*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
February 23, 2026		<p>*File Dispositive Motions</p> <p>No dispositive motion may be filed after this date without leave of the Court.</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p>
February 17, 2026		Deadline to Complete Expert Discovery
February 2, 2026		Serve Disclosures for Rebuttal Expert Witnesses
January 12, 2026		Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
December 22, 2025		Deadline to Complete Fact Discovery and File Motions to Compel Discovery
January 6, 2026		<p>Secondary Election of Prior Art</p> <p>Defendants shall serve a Secondary Election of Prior Art, identifying no</p>

⁴ The parties are directed to Local Rule CV-7(d), which provides in part that “[a] party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.” If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

		more than 6 prior art references against each asserted patent
December 9, 2025		Comply with P.R. 3-7 (Opinion of Counsel Defenses)
December 16, 2025		*Claim Construction Hearing – 9 a.m. in Marshall, Texas before Judge Roy Payne
December 5, 2025		Secondary Election of Asserted Claims Plaintiff shall serve a Secondary Election of Asserted Claims, identifying no more than 5 claims per asserted patent, per Defendant Group.
December 2, 2025		*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
November 25, 2025		*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
November 18, 2025		Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
November 4, 2025		Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
November 4, 2025		Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
October 21, 2025		Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
October 14, 2025		File Response to Amended Pleadings
September 30, 2025		*File Amended Pleadings

		It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
September 23, 2025		Comply with P.R. 4-3 (Joint Claim Construction Statement)
September 2, 2025		Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
August 12, 2025		Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
February 13, 2025		Comply with Standing Order Regarding Subject-Matter Eligibility Contentions ⁵
February 13, 2025		Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
February 27, 2025	March 6, 2025	File Proposed Order Regarding E-Discovery

SO ORDERED.

⁵ <http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf> [<https://perma.cc/RQN2-YU5P>]